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Subject: Draft Language
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Importance: High

Jon –

Thoughts on the following?

Counsel for the parties have conferred and agree that paragraph 136 can be harmonized with paragraphs 145 and 153, and agree these provisions are to be read by the parties as follow.

If Respondent receives notice of EPA's intent to revoke the agreement pursuant to paragraph 153 Respondent may initiate dispute resolution pursuant to Section IX. Revocation will not be complete until the conclusion of the dispute resolution process.

If Respondent objects to other actions taken by EPA pursuant to the agreement, including issuance of a demand for stipulated penalties, Respondent may initiate dispute resolution pursuant to Section IX. If Respondent initiates dispute resolution and EPA determines that Respondent remains in non-compliance after the conclusion of the dispute resolution process, EPA may (but is not required to) refer that non-compliance to the Department of Justice pursuant to paragraph 145. If Respondent does not initiate dispute resolution EPA may (but is not required to) refer the non-compliance to the Department of Justice pursuant to paragraph 145.

Thanks.

Chuck

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